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W.P.No.7916 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7916 of 2026

And

W.M.P.No.8575 of 2026

Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Rep. by General Manager,
Cuddalore Region,
Cuddalore – 607 002.

... Petitioner

Vs.

1.Shri Muthukumaran

2.The Special Joint Commissioner of Labour,
DMS Campus,
Teynampet,
Chennai – 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the Order passed in A.P.No.48 of 2022 dated 02-08-2024 on the file of the second respondent herein and QUASH the same.

For Petitioner : Mr.T.Chandrasekaran
For Respondents : Mr.R.Murthi for R2
Government Advocate



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ORDER

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The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records relating to the order passed in A.P.No.48 of 2022 dated 02.08.2024 on the file of the second respondent and quash the same.

2.The learned counsel appearing for the petitioner submitted that the first respondent was doing the duty of depositing the day collection amount from the operation of the vehicles in the Banks. The petitioner issued charge memo dated 13.10.2020 to the first respondent on the allegation that during the period from 11.09.2020 to 01.10.2020, the cash deposited in the State Bank of India, Chidambaram Branch is lessor than the collection amount and a Police complaint was also lodged in the Police Station in Crime No.600 of 2020 for the offence under Sections 409, 465, 468, 471 and 420 of IPC on 07.10.2020 and after enquiry, the first respondent was dismissed from service vide order dated 31.12.2021. Thereafter, the petitioner filed approval petition under Section 33(2)(b) of the Industrial Disputes Act before the second respondent, however, the second respondent rejected the said approval petition.



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3.The learned counsel appearing for the petitioner further submitted that the second respondent rejected the approval petition on the ground that the first respondent was dismissed from service on 31.12.2021, whereas, approval petition was filed on 04.03.2022. The learned counsel further submitted that the delay in filing the approval petition was properly explained before the second respondent, even then the second respondent rejected the approval petition, which is contrary to decision of the Hon'ble Apex Court reported in AIR 1978 © 1004 (Lalla Ram Vs. DCM Chemical Works).

4.The learned Government Advocate appearing for the second respondent submitted that the petitioner not only filed approval petition with delay but had passed the dismissal order without conducting proper enquiry and further submitted that the entire proceedings initiated by the petitioner is victimization and clear violation of principles of natural justice and also did not file the approval petition simultaneously and hence the impugned order warrants no interference.

5.In response, the learned counsel appearing for the petitioner further submitted that the allegation against the first



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respondent is mis appropriation of fund, thereby the petitioner initiated disciplinary proceedings, however, the first respondent did not participate in the enquiry.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The allegation against the first respondent is that during the period from 11.09.2020 to 01.10.2020, the first respondent deposited lessor cash than the collection amount in the State Bank of India, Chidambaram Branch, thereby, the petitioner initiated disciplinary proceedings against the first respondent and dismissed the first respondent from service vide order dated 31.12.2021. Thereafter, the petitioner filed approval petition under Section 33(2)(b) of the Industrial Disputes Act before the second respondent, however, the second respondent rejected the said approval petition. All the facts were elaborately considered by the second respondent in the approval petition which need not be interfered with. However, there is no adjudication before this Court as to whether the first respondent was gainfully employed during the non employment period.



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8.At this juncture, the learned Government Advocate appearing for the second respondent submitted that this Court may issue direction to the petitioner to reinstate the first respondent without backwages, with continuity of service and other benefits.

9.Considering the facts and circumstances of the case, this Court directs the petitioner Corporation to reinstate the first respondent, within a period of four weeks from the date of receipt of a copy of this order, without backwages, however, the first respondent is entitled for continuity of service and other benefits.

10.The writ petition is disposed of on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

10.04.2026

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Special Joint Commissioner of Labour,
DMS Campus,
Teynampet,
Chennai – 600 006.

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M.DHANDAPANI,J.
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